

Attorney Docket No. 10139/12302

**In the Drawings**

Please consider the amended drawings submitted herewith.

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**REMARKS**

Claim 21 has been amended to correct a minor typographical error. The drawings have been amended. No new matter has been added. Claims 21-54 remain pending in this application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are in condition for allowance.

Claim 21 stands objected to as including an informality. In view of the above amendment, it is respectfully submitted that claim 21 is in condition for allowance.

The drawings stand objected to under 37 CFR §1.83(a) as not showing every feature of the invention specified in the claims. In view of the amended drawings submitted herewith, it is respectfully submitted that the drawings fully comply with §1.83 and that this objection should be withdrawn.

Claims 21 - 54 are rejected under 35 U.S.C. §103(a) as obvious over Talos et al. (US 5,709,686) in view of Thompson (US 4,580,225).

Independent claim 21 recites a method for fixing bone comprising "providing a bone plate configured and dimensioned for application to a patient's bone, the plate having an upper surface, a lower surface and at least one opening extending from the upper surface to the lower surface, the opening defining a first axis substantially perpendicular to the upper surface and the opening, **the protrusions configured and dimensioned** to have the same pitch and mate with the threads on a bone screw head" and "inserting a bone screw through the opening in the bone plate at a selected, variable angle of rotation relative to the first axis, the bone screw having a threaded head portion, the threaded head portion having a double entry thread" in combination with **"tightening the bone screw such that the threaded head portion of the screw mates with one or more protrusions of the inner surface of the opening in the bone plate to lock the screw to the plate at the selected angle relative to the first axis."**

The examiner equates the configured and dimensioned "protrusions" of the current invention to that of "the corresponding and partial inside thread 3" in Talos. (See Talos, col. 2, ll. 47-48). However, it is respectfully submitted that these protrusions are significantly different in

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structure and function from the claimed partial inside threading. In fact, Talos allows for variable anchoring angles only with un-threaded spherical screws, while "a bone screw with a head threading ... can be [only] vertically...screwed into the plate at the partial inside thread of the elongated slot" (*See Id.*, col. 1, ll. 24-32). This distinction is clearly seen in Figs. 5 and 6 wherein a screw with a threaded head is shown with no variation in the angle of anchoring while the screw in Fig. 6 shows variation as the screw head contain no threading whatsoever.

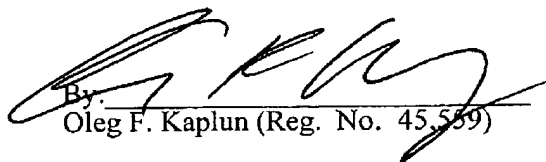
Thus it is respectfully submitted that Talos neither shows nor suggests "protrusions" configured and dimensioned to have the same pitch and mate with the threads on a bone screw head, as recited in claim 21 and that Talos does not allow for the variable angle anchoring of screws with threaded heads.

Thus the recited step of tightening a "bone screw such that the threaded head portion of the screw mates with one or more protrusions of the inner surface of the opening in the bone plate to lock the screw to the plate at the selected angle relative to the first axis," is neither disclosed nor suggested by Talos and Thompson fails to cure this defect. Thus it is submitted that claim 21 is allowable over Talos and Thompson taken either alone or in combination and withdrawal of this rejection is respectfully requested. Because claims 22 - 54 depend from and, therefore includes all the limitations of independent claim 21, it is respectfully submitted that these claims are also allowable for at least the reasons stated above.

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: December 26, 2007

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Appl. No. 10/763,689  
Amdt. in Response to Office Action of Sep. 24, 2007  
Annotated Sheet 1

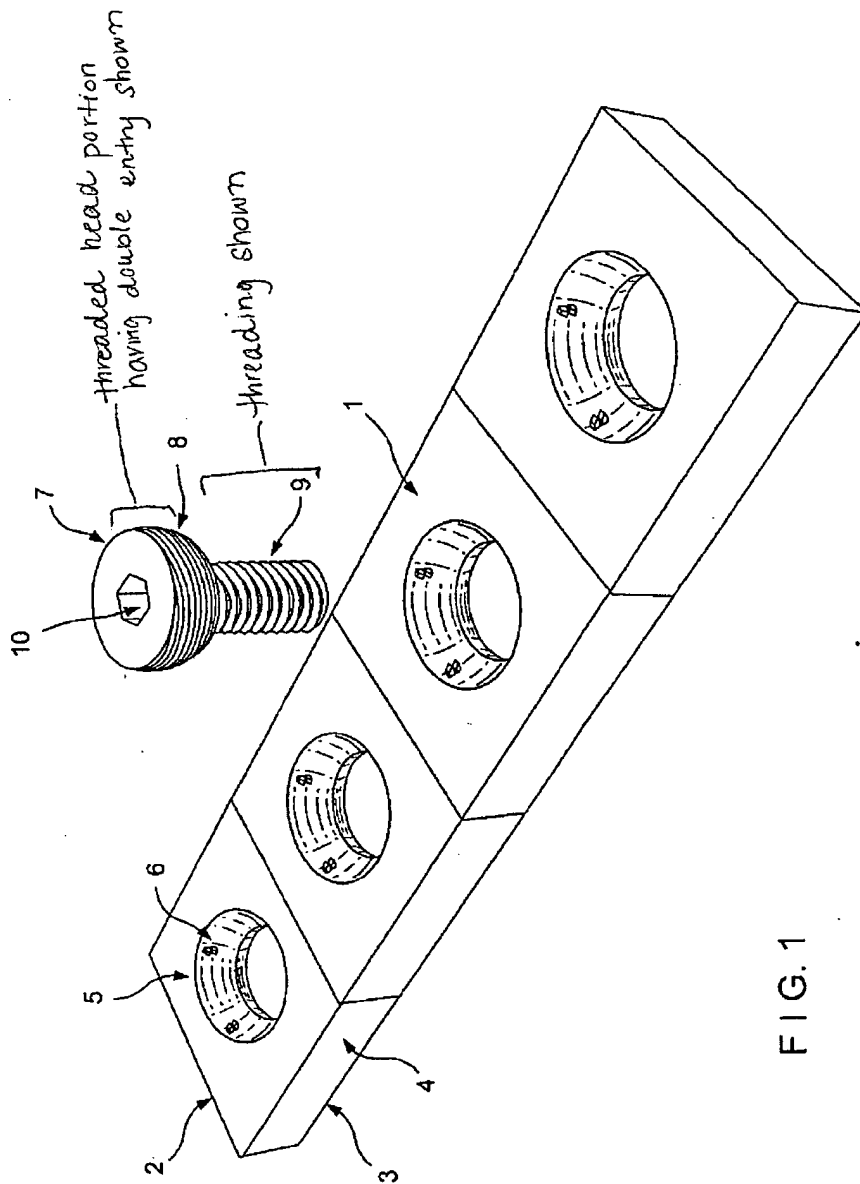


FIG. 1

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Annotated Sheet 2

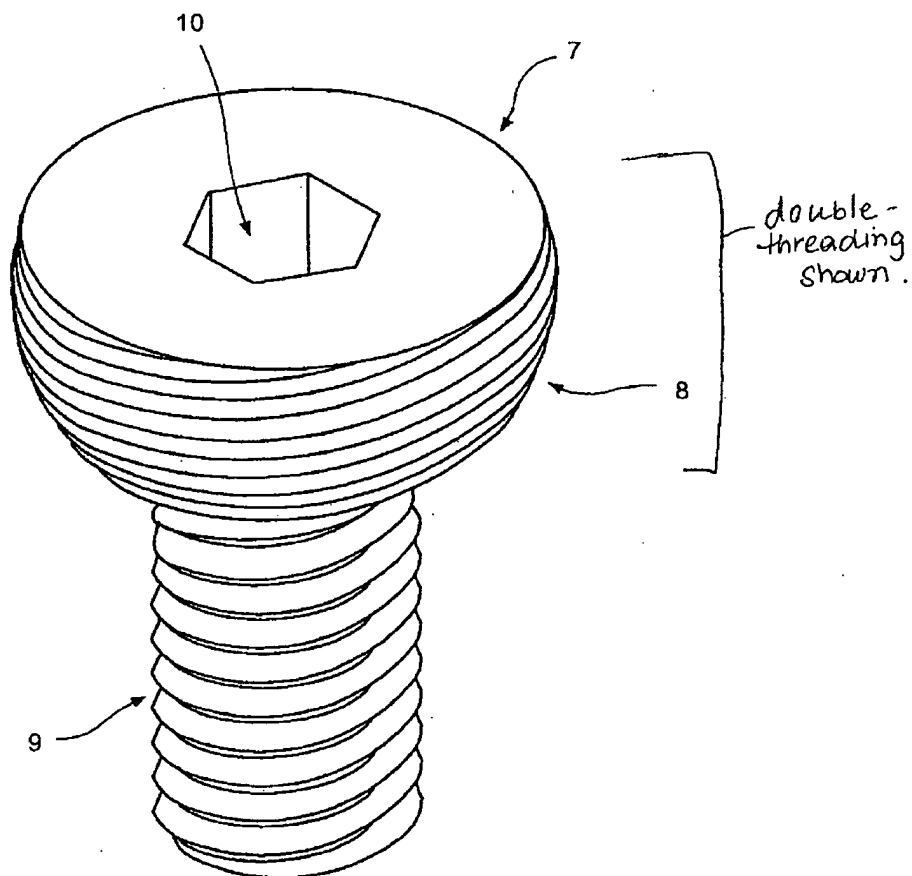


FIG. 2

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 Annotated Sheet 3

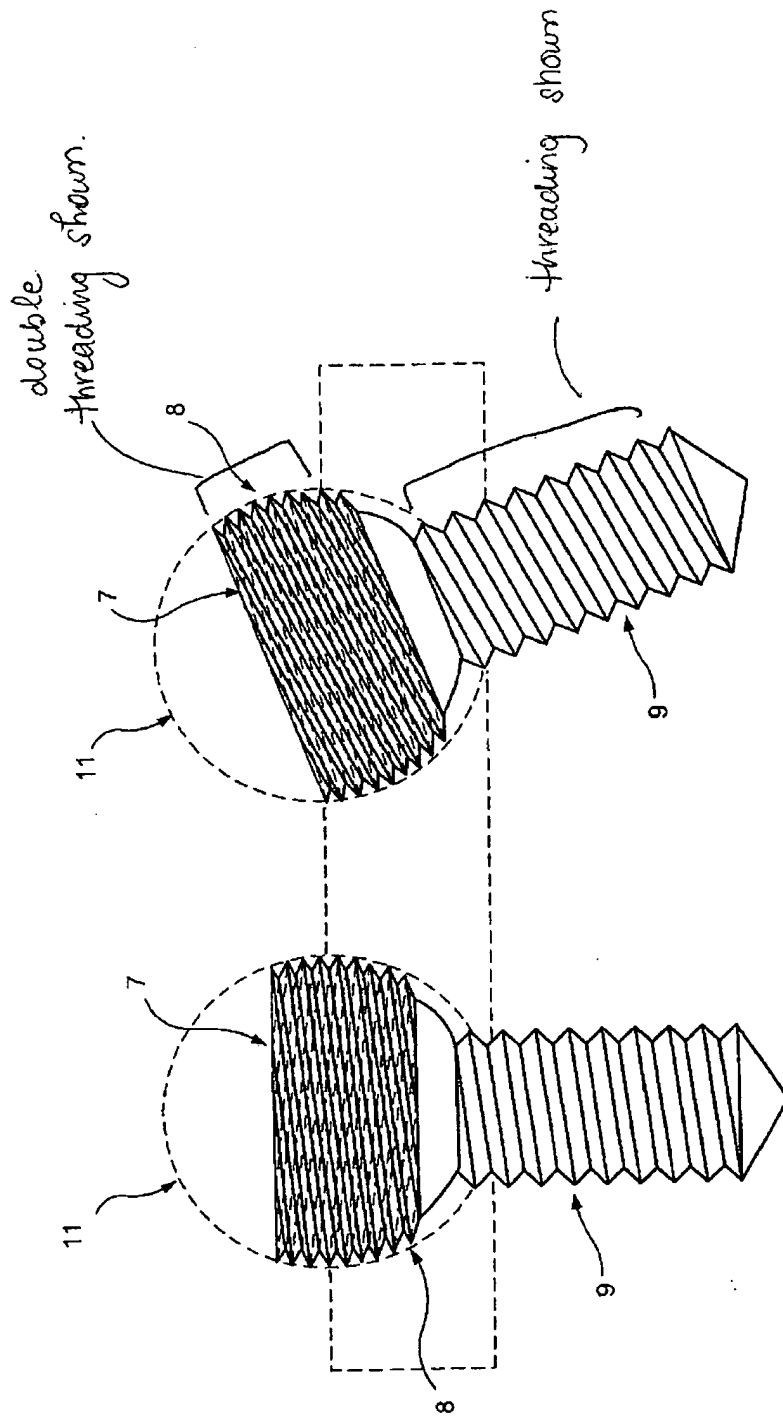


FIG. 3

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Annotated Sheet 4

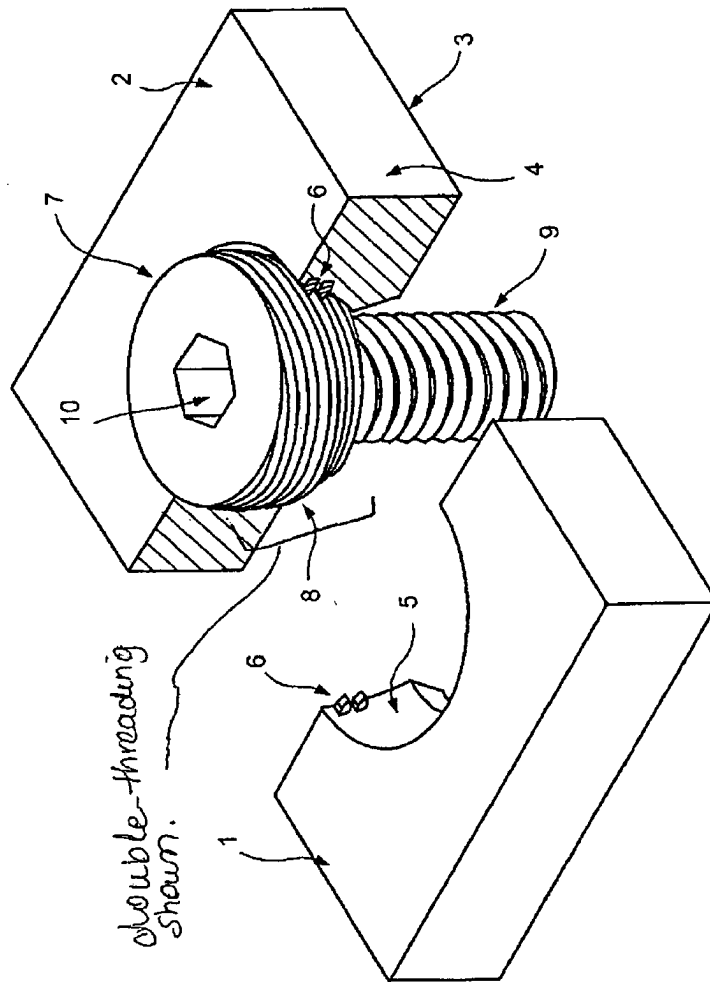
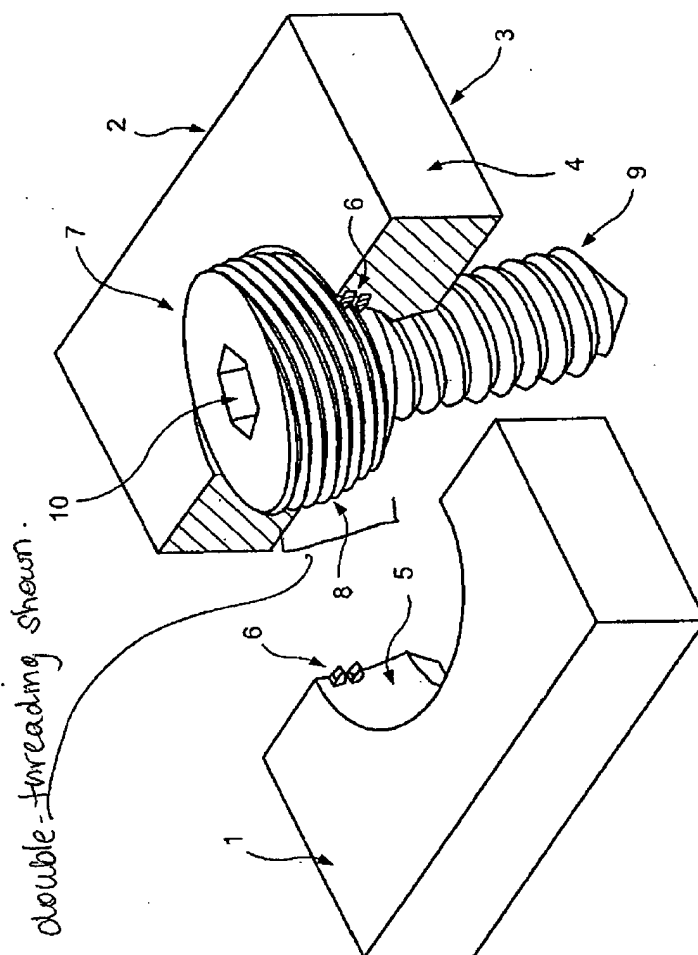


FIG. 7

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Annotated Sheet 5



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Annotated Sheet 6

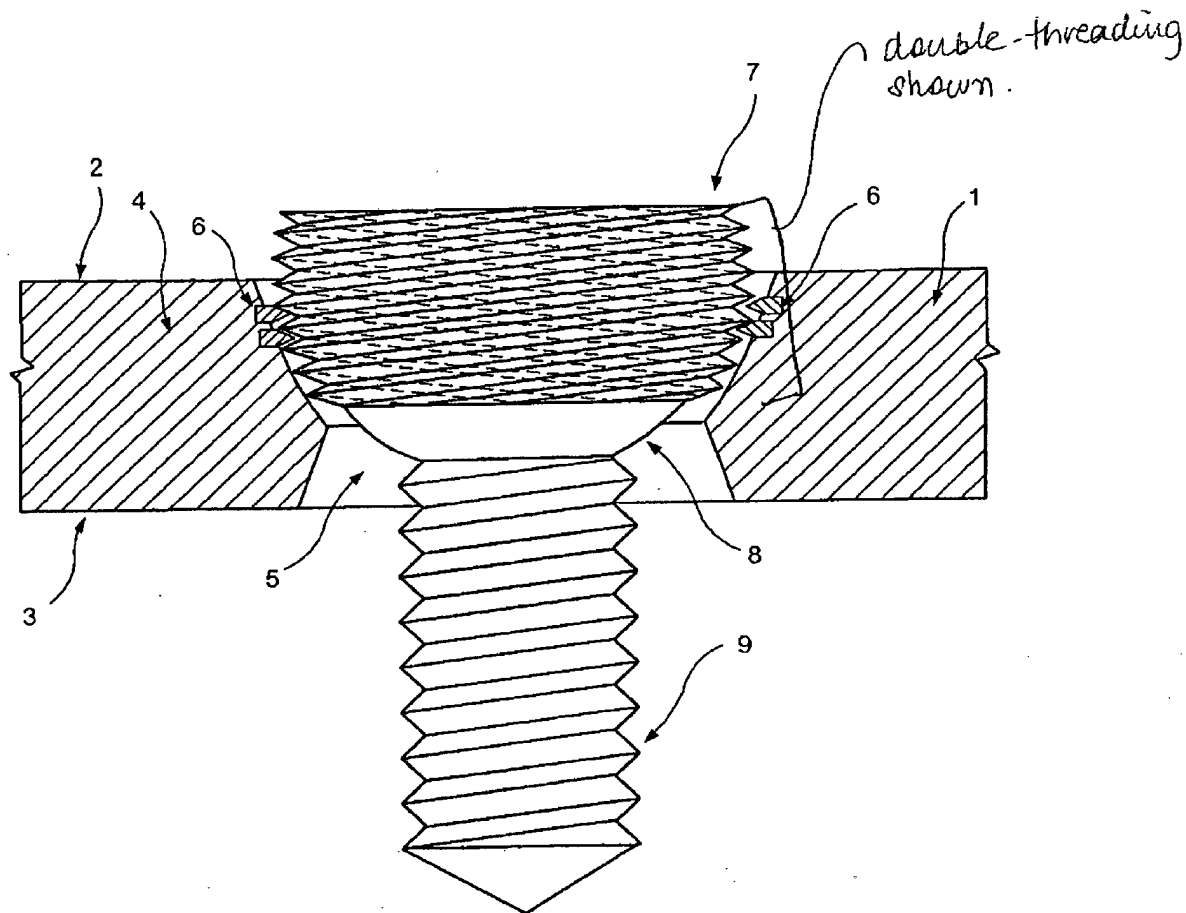


FIG. 9

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Annotated Sheet 7

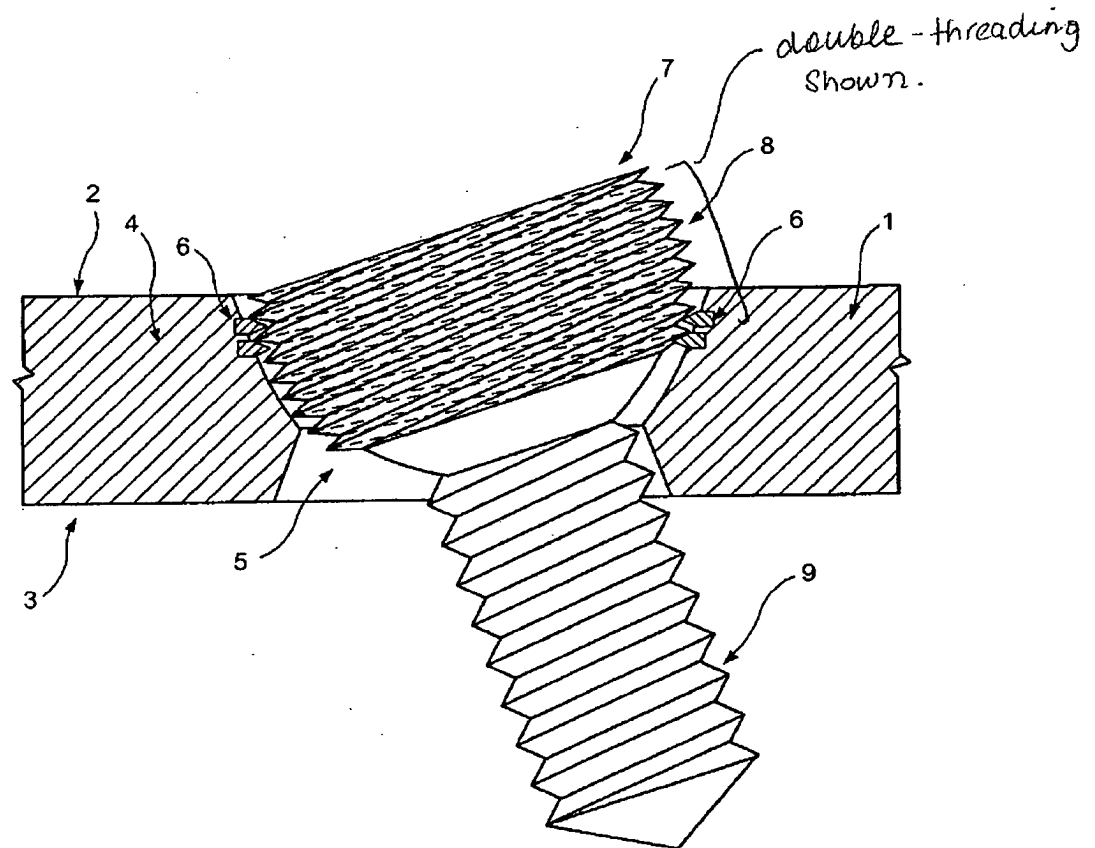


FIG. 10